

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -December 4, 2018**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Fulloon, Klimko, Noone, Norris, Parichuk, Valle, Higgins.

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Leslie Parikh, Attorney

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

PROCLAMATION

Mayor Higgins read the following proclamation into the record for the following recognition:

PROCLAMATION
HONORING MS. SOPHIA DiCAPUA'S FIRST PLACE SHOWING AT THE
WASHINGTON FARMERS MARKET RED WHITE & BLUE DESSERT CONTEST

WHEREAS, it is the intention of the Mayor and Council of the Borough of Washington to focus attention on noteworthy occasions and individuals; and

WHEREAS, Ms. Sophia DiCapua, a resident of the Borough of Washington and a homeschooled student, won first prize overall at the Washington Farmers Market Red White & Blue Dessert contest for her Cranberry Nut Cake which was attractive, patriotic and delicious; and

WHEREAS, Ms. DiCapua’s participation and ultimate first place achievement in the first annual Washington Farmers Market Red White & Blue Dessert demonstrates a talent for baking, patriotism, and community spirit; and

WHEREAS, the Mayor and Council are proud to call Sophia one of Washington Borough’s own, as she exemplifies the values that make our community strong;

NOW, THEREFORE, BE IT PROCLAIMED by I, David Higgins, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt

congratulations of the Mayor and Council of the Borough of Washington and all its residents are hereby expressed to Ms. Sophia DiCapua;

BE IT FURTHER PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Ms. Sophia DiCapua on December 4th, 2018, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Ms. DiCapua by the community whose spirit she so embodies.

MINUTES

Motion made by Noone and seconded by Norris to approve the meeting minutes of regular meetings; October 2, 2018.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle, Higgins.

Ayes: 7, Nays: 0
Motion carried.

COUNCIL APPEARANCE

John Monteverde, BID, thanked Ms. Dicapua's for her participation in the baking contest. Mr. Monteverde reviewed three pieces of informational flyers he distributed concerning Hometown Holiday.

Mr. Monteverde stated that banners are up around town which will remain until middle of January, in which businesses can sponsor a banner, which provides free advertising.

Hearing no further public comment, motion made by Klimko and seconded by Norris to close the audience portion.

Ayes: 7 Nays: 0
Motion Carried.

REPORTS:

Motion was made by Valle seconded by Norris to receive and file the following reports:

1. Court
2. Police

Ayes: 7, Nays: 0
Motion Carried.

NEW BUSINESS

ORDINANCES 2nd Reading

Motion made by Noone and seconded by Norris to open the public hearing for Ordinance 2018-24.

Ayes: 4 Nays: 2
Motion Carried.

Public Comment

John Monteverde, BID Director, urged council to pass the ordinance.

Hearing no further public comment, motion made by Noone and seconded by Klimko to close the public portion. All were in favor,

Motion made by Fulloon and seconded by Noone to adopt Ordinance 2018-24.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle, Higgins.

Ayes: 4, Nays: 3
Motion carried.

**ORDINANCE NO. 2018-24
AN ORDINANCE TO AMEND THE DOWNTOWN REDEVELOPMENT
PLAN OF THE BOROUGH OF WASHINGTON
TO ADD “FAST FOOD” AS A PERMITTED USE**

WHEREAS, the Borough Council of the Borough of Washington, County of Warren and State of New Jersey (the “Council”) has designated certain areas within its borders as in need of redevelopment and/or rehabilitation pursuant to the Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A-1 to -73); and

WHEREAS, pursuant to the LRHL, the Council adopted the Downtown Redevelopment Plan on April 7, 2009, by Ordinance No. 1-2009 and

WHEREAS, the Council is vested with the authority to amend the Downtown Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7, and N.J.S.A. 40A:12A-8, and

WHEREAS, fast-food restaurants and drive-thru’s are not permitted uses set forth in the Downtown Redevelopment Plan; and

WHEREAS, the Section 94-5 of the Borough’s Code defines fast food restaurants as:

A commercial establishment where food and drink prepared for immediate consumption are purchased at a counter and either eaten on the premises, in the purchaser's automobile or off the premises. Those restaurants where food is consumed only at tables on the premises and served by waiters and waitresses shall not be deemed fast-food restaurants. Fast-food restaurants shall also not include those retail stores where food is primarily sold for preparation and consumption elsewhere, although, as a secondary use of the premises, prepared food may also be sold over the counter for immediate consumption, such as a delicatessen.

WHEREAS, several businesses currently operating in the Downtown Redevelopment Area meet the definition of fast food; and

WHEREAS, according to the Borough's Zoning Officer, some of the existing fast food restaurants were issued zoning permits after the adoption of the Borough's Downtown Redevelopment Plan;

WHEREAS, the Borough believes that a prohibition on fast food uses may burden these existing uses by designating them as pre-existing, non-conforming uses requiring variances in order to expand or alter their business; and

WHEREAS, the Borough additionally believes that prohibiting fast food uses in the Redevelopment Area may be limiting or prohibiting revitalization of the Borough's downtown area; and

WHEREAS, drive-thru's are often customary accessory uses to fast food restaurants; and

WHEREAS, there is at least one bank with a drive-thru operating in the Downtown Redevelopment Area; and

WHEREAS, the Borough believes that the Washington Avenue Core District and Route 31 Gateway District are uniquely suited to fast-food restaurants with drive-thrus because of their location along a highway where such uses can capture pass-by traffic; and

WHEREAS, one goal of the Borough's Downtown Redevelopment Plan is to enhance "pedestrian comfort;" and

WHEREAS, the Redevelopment Plan also states, "The Redevelopment Area will be friendly to the needs of pedestrians while providing convenient access to those who take advantage of public transportation, bicycles, and motor vehicles;" and

WHEREAS, in order to protect pedestrian safety, the Borough's Planner has recommended that drive-thru's only be permitted as accessory uses to fast food restaurants subject to certain conditions; and

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Washington, County of Warren, and State of New Jersey, that the Borough's Downtown Redevelopment Plan be amended to now read as follows:

SECTION 1. The following revisions are made to the Borough’s Downtown Redevelopment Plan:

Page 32, “Allowable Uses” in the Washington Avenue Core District shall be amended to include: restaurant, fast-food with drive-thru (as defined in the Borough’s Code Section 94-5).

Page 32, “Permitted Secondary Uses” shall be amended to include the following language: “Drive-thru’s as accessory to restaurant, fast food uses subject to the following conditions:

1. Minimum Lot Size - 30,000 sq. ft.
2. Corner lots which front on Washington Avenue
3. Only one curb cut shall be permitted per street, unless there are existing curb cuts approved by the New Jersey Department of Transportation (NJDOT).
4. Where there are existing and NJDOT-approved curb cuts, those curb cuts may be utilized to provide access. However, each existing curb cut shall be limited to one-way traffic and a maximum driveway width of 12 feet.
5. On the secondary street, one two-way curb cut shall be permitted.
6. There shall be no parking or drive aisle between the building and the Washington Avenue right-of-way.
7. The drive-thru shall be designed to stack a minimum of 8 cars and shall be designed to not interfere with parking and on-site vehicle circulation.
8. Where an outdoor dining area is proposed, the building may be set back a maximum of 25 feet. Where an outdoor dining area is not proposed, a maximum building setback of 15 feet shall be required.”

Page 34, “Allowable Uses in the Route 31 Gateway District shall be amended to include: “Allowable Uses” in the Washington Avenue Core District shall be amended to include: restaurant, fast-food with drive-thru (as defined in the Borough’s Code Section 94-5).

Page 34, “Permitted Secondary Uses” shall be amended to include the following language: “Drive-thru’s as accessory to restaurant, fast food uses subject to the following conditions:

1. Minimum Lot Size - 30,000 sq. ft.
2. Corner lots which front on Washington Avenue
3. Only one curb cut shall be permitted per street, unless there are existing curb cuts approved by the New Jersey Department of Transportation (NJDOT).
4. Where there are existing and NJDOT-approved curb cuts, those curb cuts may be utilized to provide access. However, each existing curb cut shall be limited to one-way traffic and a maximum driveway width of 12 feet.
5. On the secondary street, one two-way curb cut shall be permitted.
6. There shall be no parking or drive aisle between the building and the Washington Avenue right-of-way.

7. The drive-thru shall be designed to stack a minimum of 8 cars and shall be designed to not interfere with parking and on-site vehicle circulation.

8. Where an outdoor dining area is proposed, the building may be set back a maximum of 25 feet. Where an outdoor dining area is not proposed, a maximum building setback of 15 feet shall be required.”

SECTION 2. The Mayor, Clerk, Planner, Engineer, and such other Township Officials are hereby authorized to take such ministerial actions as are necessary to effectuate the purposes of this Ordinance. The Township Planner and Engineer are hereby authorized to amend the Borough’s Downtown Redevelopment Plan in accordance with the provisions of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

SECTION 5. Pursuant to the Municipal Land Use Law, the Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 6. This Ordinance shall take effect upon final passage and publication as provided by law; however, subsequent to the first reading, this Ordinance must be referred to the Borough Planning Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan. The Planning Board has a period of forty-five (45) days after referral to report on the proposed Ordinance.

Motion made by Valle and seconded by Noone to open the public hearing for Ordinance 2018-23.

Ayes: 7 Nays: 0

Motion Carried.

Public Comment

None

Hearing no public comment, motion made by Klimko and seconded by Valle to close the public portion. All were in favor,

Motion made by Klimko and seconded by Norris to adopt Ordinance 2018-23.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle, Higgins.

Ayes: 7, Nays: 0

Motion carried.

ORDINANCE 2018-23
AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING CHAPTER 10
OF THE CODE OF THE BOROUGH OF WASHINGTON AND PROVIDING FOR
ASSOCIATE MEMBERSHIP IN THE WASHINGTON FIRE DEPARTMENT

WHEREAS, the Trustees of the Washington Fire Department have determined that there is a need for the creation of an associate membership in the Washington Fire Department; and

WHEREAS, the Chief of the Washington Fire Department has recommended to the Borough Manager that the following rules regarding associate membership as provided for by the Trustees of the Washington Fire Department be presented to the Council of the Borough of Washington;

NOW THEREFORE BE IT RESOLVED, that Chapter 10 of the code of the Borough of Washington be amended as follows:

§ 10-27.2 ASSOCIATE MEMBERS

SECTION 1 – Responding Associate Membership shall be defined as:

A current or former active member who moves out of Washington Borough or Washington Township and resides within a six (6) mile radius of the fire station or is still employed with in the same area; Or a trained active member of another fire department who resides or is employed with in Washington Borough or Washington Township and does not have to be a regular active member of more than one fire department; Or is a trained member of another department who is willing to commit to no less than 16 hours a month to the Washington Borough Fire Department.

SECTION 2 – Responding Members shall be required to attend a minimum of six (6) drills a year with the Washington Borough Fire Department. Those who are active members of another department shall attend a minimum of three (3) drills a year with the Washington Borough Fire Department and a minimum of three (3) drills per year with the fire department in which they maintain active membership. All refresher training required by the State of New Jersey shall be completed by Responding Associate Members. If some of this training is completed at another fire department, the responding member shall provide a letter to the Chief of the Washington Borough Fire Department from the other department’s Chief or training officer stating that it has been completed, as well as the member’s attendance at other training drills. Copies of any certificates gained shall be forwarded to the Chief as well.

SECTION 3 – Contributing Associate Membership shall be defined as:

A current resident of Washington Borough or Township or former resident of Washington Borough who volunteers to assist the Washington Borough Fire Department in ways other than responding to incidents; Examples of how the member may contribute include but are not limited to fund raising, vehicle, equipment & building maintenance, and assisting with fire prevention & public fire education events; Membership status will be reviewed on an annual basis with in the first quarter of each year by the Line Officers.

SECTION 4 – Responding Associate and Contributing Associate Members will not be eligible for a Line Officer position.

SECTION 5 – Yearly Clothing Allowance will be given out at the discretion of the Line Officers

SECTION 6 – Uniforms will be given out at the discretion of the Chief and Head Trustee.

Presentation-Lt. James Teter, Washington Township Police Department

Lieutenant James Teter of the Washington Township Police Department gave a presentation to the governing body which included information regarding police discretion to parking issues throughout the borough, in which this topic was brought up and discussed from the last meeting. Lt. Teter stated he listened to the audio and took into account of everyone’s concerns.

Lt. Teter gave statistics (from 2009-present) since the department took over the police services for the Borough. Some of the statistics also included information from the FBI.

RESOLUTIONS

Motion made by Noone and seconded by Klimko to approve Resolutions 2018-155,156,157 and 161.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle, Higgins.

Ayes: 7, Nays: 0
Motion carried.

RESOLUTION # 2018-155

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 16, 2015 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$15,337.37 or taxes or other municipal liens assessed for the year 2014 in the name of 41-43 Washington Partners, LLC as supposed owners, and in said assessment and sale were described as 41-43 West Washington Avenue, Block 95 Lot 1, which sale was evidenced by certificate #15-00043 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-20-18 and before the right to redeem was cut off, as provided by law, Jade Partners Washington, LLC claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$100,406.43 which is the amount necessary to redeem Tax Sale Certificate #15-00043.

NOW THEREFORE BE IT RESOLVED, on this 4th day of December 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$150,406.43** (This consists of \$100,406.43 Certificate Amount redeemed + \$50,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 95 Lot 1 from the tax office records.

RESOLUTION # 2018-156

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 16, 2015 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$2,801.20 or taxes or other municipal liens assessed for the year 2014 in the name of RB Properties, LLC as supposed owners, and in said assessment and sale were described as 4 Heather Hill Road, Block 44 Lot 34.10, which sale was evidenced by certificate #15-00026 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-20-18 and before the right to redeem was cut off, as provided by law, PLS Title claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$14,745.37 which is the amount necessary to redeem Tax Sale Certificate #15-00026.

NOW THEREFORE BE IT RESOLVED, on this 4th day of December 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$18,745.37** (This consists of \$14,745.37 Certificate Amount redeemed + \$4,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 34.10 from the tax office records.

RESOLUTION # 2018-157

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$5,990.72 or taxes or other municipal liens assessed for the year 2015 in the name of Prime Star Properties, LLC as supposed owners, and in said assessment and sale were described as 65-67 East Washington Ave., Block 94 Lot 5, which sale was evidenced by certificate #16-00064 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-27-18 and before the right to redeem was cut off, as provided by law, Alberto Silva claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of

Taxes of said taxing district of Washington Borough the amount of \$51,285.18 which is the amount necessary to redeem Tax Sale Certificate #16-00064.

NOW THEREFORE BE IT RESOLVED, on this 4th day of December 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$101,285.18** (This consists of \$51,285.18 Certificate Amount redeemed + \$50,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 94 Lot 5 from the tax office records.

RESOLUTION 2018-161

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on November 7, 2014 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$5,314.26 or taxes or other municipal liens assessed for the year 2013 in the name of Nauta, Jennifer A. as supposed owner, and in said assessment and sale were described as 26 Nunn Avenue, Block 97.02 Lot 6, which sale was evidenced by certificate #14-00065 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-29-18 and before the right to redeem was cut off, as provided by law, PNC Bank claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$44,427.79 which is the amount necessary to redeem Tax Sale Certificate #14-00065.

NOW THEREFORE BE IT RESOLVED, on this 4th day of December 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$62,427.79** (This consists of \$44,427.79 Certificate Amount redeemed + \$18,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 97.02 Lot 6 from the tax office records.

Motion made by Valle and seconded by Norris to approve Resolutions 2018-158.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle, Higgins.

Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2018-158

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS REMAINING IN THE
NVR, INC. ESCROW ACCOUNT HELD IN TRUST BY THE BOROUGH OF
WASHINGTON**

WHEREAS, Jared Wierzbicki, Project Manager for NVR, Inc. has requested the return of all unexpended monies and the closure of the NVR, Inc. escrow account #7760883459 with an approximate balance of \$594.00; and

WHEREAS, Scholl, Whittlesley & Gruenberg, the attorney for the Borough of Washington reviewing this application, has confirmed there are no outstanding invoices and there is no objection to the closure of this account;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to NVR, Inc. for the balance remaining in Account #7760883459.

Motion made by Valle and seconded by Klimko to approve Resolutions 2018-159.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle, Higgins.

Ayes: 6, Nays: 1

Motion carried.

**RESOLUTION 2018-159
WASHINGTON BOROUGH, WARREN COUNTY
OPPOSITION TO THE
STATE OF NEW JERSEY BEING DECLARED
A SANCTUARY STATE**

WHEREAS, The Governor of the State of New Jersey and the New Jersey Legislature stated that New Jersey should become a sanctuary state; and

WHEREAS, cities throughout the nation and within this State has declared that they are “sanctuary cities”; and

WHEREAS, a sanctuary state means that the State of New Jersey would welcome illegal undocumented immigrants; and

WHEREAS, Governor Phil Murphy and the New Jersey Legislature has enacted legislation providing benefits to illegal undocumented immigrants; and

WHEREAS, the Borough Council of the Borough of Washington opposes New Jersey becoming a sanctuary state as New Jersey has some of the highest property taxes in the nation and the Governor of the State of New Jersey and the New Jersey Legislature should be more

concerned with reducing spending and property tax reduction for the legal residents and tax payers of the State of New Jersey; and

WHEREAS, the Governing Body of the Borough of Washington shall continue to put the needs of the residents of Washington Borough first and thereby determining that Washington Borough shall never be a sanctuary city; and

WHEREAS, the Governing Body of the Borough of Washington urges Governor Phil Murphy and the New Jersey Legislature to reevaluate their position with regard to New Jersey becoming a Sanctuary State.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington that it opposes New Jersey becoming a Sanctuary State and urges Governor Phil Murphy and the New Jersey Legislature to reevaluate their position and to instead focus on the health, safety and general welfare of the resident and taxpayers of the State of New Jersey; and

BE IT FURTHER RESOLVED that Washington Borough shall never become a sanctuary city and that all local, state, and federal laws shall be strictly enforced and the residents of Washington Borough shall be the primary concern of the Governing Body; and

BE IT FURTHER RESOLVED that the Washington Borough Clerk shall forward a certified true copy of this resolution to the Governor of the State of New Jersey.

Motion made by Valle and seconded by Fulloon to approve Resolutions 2018-160.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle, Higgins.

Ayes: 7, Nays: 0
Motion carried.

**RESOLUTION 2018-160
NOTICE TO BIDDERS
BOROUGH OF WASHINGTON
WARREN COUNTY
STATE OF NEW JERSEY**

WHEREAS, on November 16th, 2018 the Borough of Washington advertised § **2018-20** authorizing the sale of Borough owned real estate commonly referred to as Block 100, Lot 52 pursuant to **N.J.S.A. 40A:12-13**; and

WHEREAS, pursuant to § **2018-20** and the provisions of **N.J.S.A. 40A:12-13 1**. The sale of said property shall be pursuant to the provisions of subsection (a) of Section 13 of P.L.

1971, c. 199 (N.J.S.A. 40A:12-13), by open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the Borough of Washington, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale. The Borough Council reserves the right to reject all bids where the highest bid is not accepted, and notice of such reservation shall be included in the advertisement of the sale, and public notice thereof shall be given at the time of sale. No minimum bid or price shall be specified, and upon the completion of bidding, the highest bid may be accepted or all the bids may be rejected by the Borough of Washington;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk of the Borough of Washington, County of Warren, shall advertise the sale of said lands in accordance with § **2018-20** and the provisions of **N.J.S.A. 40A:12-13 1** on December 14th and December 21st;

BE IT FURTHER RESOLVED, that sealed bids will be received by the Borough of Washington, Warren County, New Jersey, at the Washington Borough Municipal Building, 100 Belvidere Avenue, Washington, NJ 07882, on Friday, January 4th, at 10:00 a.m. prevailing time. Bids will be opened and publicly read at this time.

Discussions of shared services with the township for an Engineer ensued.

Approval of Bingo and Raffle Licenses

Motion made by Klimko and seconded by Noone to approve the following licenses:

1. Bing License: St. Joseph BA-2019-1 (*for 2019 licensing year*)
2. Raffle License: St. Joseph RA-2019-1 (*for 2019 licensing year*)

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle, Higgins.

Ayes: 7, Nays: 0

Motion carried.

VOUCHERS AND CLAIMS

Motion made by Noone seconded by Norris to pay the vouchers and claims in the amount of \$1,239,252.99 from the current fund and \$ 10,318.54 from sewer.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle, Higgins.

Ayes: 7, Nays: 0
Motion carried.

RECAP

M. Hall recapped the following:

- To gather more information concerning shared services for Engineer.

COUNCIL REMARKS

Councilman Fulloon stated his reasons why he supported Resolution 2018-159.

Councilman Norris thanked Lt. Teter on his presentation and his service and thanked those on the DPW with the recent snow event along with a thanks to the Fire Department.

Councilwoman Noone thanked Lt. Teter. Mrs. Noone also reminded everyone of the Hometown Holiday coming up.

Councilman Parichuk thanked Lt. Teter and wished everyone happy holidays.

Councilwoman Valle also thanked Lt. Teter and gave thanks to John Monteverde for the flyers. Councilwoman Valle also thanked the Mayor and Manager for the removal of items from the sign she brought up at last meeting.

Councilwoman Klimko thanked Lt. Teter. Councilwoman Klimko reminded everyone of the Senior Advisory bus trip this Saturday.

Mayor Higgins stated that they should start publicly thanking the boroughs public servants for the things they do. Mayor Higgins thanked all those that assisted with the explosion that occurred at Dave's Friendly Service station (Fire, Police, DPW).

The tree lighting will be here at borough hall Friday evening at 6:00 P.M. (Hosted by Fire Department).

Mayor Higgins spoke of the possibility of having a Christmas decoration contest for all businesses and homeowners who want to participate, citing the last one done was in 2008.

EXECUTIVE SESSION

A motion was made by Klimko seconded by Noone to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 8:33 P.M. with a five-minute break.

Ayes: 7 Nays: 0
Motion Carried.

RESOLUTION
AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

__X__ Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

__X__ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Norris seconded by Klimko to come out of Executive Session at 9:30 pm.

Ayes: 7; Nays: 0
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Klimko seconded by Norris to adjourn the meeting at 9:30 pm.

Ayes: 7; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk